

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 14, 2005
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:07 p.m. Mayor Murphy recessed the meeting at 3:54 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:07 p.m. with Council Member Frye and Council Member Madaffer not present. The meeting was adjourned by Mayor Murphy at 5:00 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-Excused (By R-300232, due to being in Sacramento)
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane (gs)

FILE LOCATION: MINUTES



[ITEM-1:](#)

ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-not present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION:

MINUTES



[ITEM-10:](#)

INVOCATION

Invocation was given by Pasor Jason Steffen of Horizon Christian Fellowship.

FILE LOCATION:

MINUTES



[ITEM-20:](#)

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION:

MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Hanson, et al. v. City of San Diego*
San Diego Superior Court No. GIC 818885

REFERRED TO CLOSED SESSION ON MONDAY, MARCH 14, 2005

DCA assigned: Brodie

This matter involves a personal injury case resulting from a traffic accident at Imperial Avenue and Viewcrest Drive on October 6, 2002, in the City of San Diego. The City Attorney requests that the Mayor and City Council consider a possible settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:54 p.m. – 4:55 p.m.)

Mayor Murphy closed the hearing.

CS-2 *San Diego Unified Port District, et al. v. ExxonMobil Oil Corp./ExxonMobil Oil Corp. v. Campbell Industries, et al.*
U.S. District Court Case No. 03CV1053-BTM

REFERRED TO CLOSED SESSION ON MONDAY, MARCH 14, 2005

ACA assigned: Girard

This matter involves a CERCLA action brought against ExxonMobil for environmental cleanup of the former Campbell Industries site near the San Diego Convention Center. The City has been named in a cross action for contribution by ExxonMobil, based upon the City's former control or ownership interest in the property, however the City is indemnified in the action by the San Diego Unified Port District pursuant to a Joint Powers Agreement. In closed session, the City Attorney will advise the City Council on the status of the matter and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:54 p.m. – 4:55 p.m.)

Mayor Murphy closed the hearing.

CS-3 *City of San Diego v. PCL Civil Constructors, Inc.*
San Diego Superior Court GIC 817014

REFERRED TO CLOSED SESSION ON MONDAY, MARCH 14, 2005

DCA assigned: McGuinness

This case involves a claim of defective workmanship in the construction of the Rose Canyon Trunk Sewer Project. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss possible settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:54 p.m. – 4:55 p.m.)

Mayor Murphy closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-4 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

RETURNED TO THE CITY ATTORNEY

Employee organizations: Municipal Employees Association, Local 127
AFSME, AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:55 p.m. – 4:55 p.m.)

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-5 Title: City Manager

RETURNED TO THE CITY ATTORNEY

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:55 p.m. – 4:55 p.m.)

CS-6 Title: City Clerk

REFERRED TO CLOSED SESSION ON MONDAY, MARCH 14, 2005

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:54 p.m. – 4:55 p.m.)

Mayor Murphy closed the hearing.

* ITEM-50: Mesa Commons Rezone Designation for Property Located at 6456 El Cajon Boulevard.

(College Area Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/1/2005, Item 337, Subitem C.
(Council voted 9-0):

(O-2005-102) ADOPTED AS ORDINANCE O-19361 (New Series)

Changing the zoning designation for a property located at 6456 El Cajon Boulevard, in the College Area Community Plan Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone to the RM-1-2 Zone, as defined by San Diego Municipal Code Section 103.1510.

FILE LOCATION: LUP - Mesa Commons, 03/01/05 (65)

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: Towne Centre Corporate Plaza Rezone Designation for Property Located at the Northwest Terminus of Towne Centre Drive.

(See City Manager Report CMR-05-047. University Community Plan Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/1/2005, Item 338, Subitem D. (Council voted 9-0):

(O-2005-85) ADOPTED AS ORDINANCE O-19362 (New Series)

Changing the zoning designation for property located at the northwest terminus of Towne Centre Drive, in the University Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone (Previously referred to as the R-1 Zone) into the IP-1-1 Zone (Previously referred to as the SR Zone), as defined by San Diego Municipal Code Section 131.0602.

FILE LOCATION: LUP - Towne Centre Corporate Plaza, 02/01/05 (65)

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: Proposed Ten-Year Operating and Management Agreement for Downtown Property and Business Improvement District (PBID) Renewal.

(Centre City, East Village, Cortez, Marina, Gaslamp, Core Columbia Community Areas. District 2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-108) INTRODUCED, TO BE ADOPTED ON MONDAY,
APRIL 4, 2005

Introduction of an Ordinance authorizing the City Manager to execute the Operating and Management Agreement between the City of San Diego and Downtown San Diego Partnership, Inc., for the renewed Downtown Property and Business Improvement District.

CITY MANAGER SUPPORTING INFORMATION:

On behalf of benefiting property owners within the Downtown Property and Business Improvement District (PBID), the City has contracted with the Downtown San Diego Partnership (DSDP) for the provision of an enhanced level of services within the PBID since July 1, 2000. The PBID and the existing operating agreement between the City and DSDP will expire on June 30, 2005. PBID property owners are currently seeking to renew the PBID for another ten years beginning July 1, 2005.

The PBID renewal contemplates doubling annual property owner assessments from \$2.9 million to \$5.8 million for an increased array and frequency of enhanced maintenance services within the downtown PBID. If the PBID is renewed in accordance with State law and following a requisite property owner ballot process, the annual assessment for City owned property will increase \$121,795 from \$143,223 in FY 05 to \$265,018 beginning in FY 06. The City Council has the discretion to approve renewal of the PBID at the conclusion of the public hearing, which is anticipated to be scheduled in May 2005.

In order to proceed with the contemplated PBID renewal, PBID property owners have requested that terms be established for a new ten-year Operating and Management Agreement (OMA) between the City and DSDP. Numerous meetings between City departments providing services within the PBID and DSDP staff have established acceptable terms for a new ten-year OMA to become effective if the PBID is renewed for a ten-year term beginning July 1, 2005.

A notable change within the new OMA is that, in keeping with the citywide norm for public parks, the Park & Recreation Department would resume park maintenance responsibility for Gaslamp and Children's parks. The PBID would retain responsibility for maintaining the enhanced water features within the same parks. Over the past five years, the PBID has been responsible for maintaining both the parks and the water features within them partially utilizing an annual contribution of approximately \$72,500 from the Park & Recreation Department. Under the new OMA, the Park & Recreation Department would pay the PBID no more than \$58,595 annually (from the approximately \$72,500 budgeted annually for the City's share of overall maintenance for these parks) to partially fund the PBID's cost of contracting for enhanced water feature maintenance within the parks.

This action will initiate an ordinance authorizing the City Manager to execute, upon successful renewal of the PBID, a new OMA between the City and DSDP for a ten-year term beginning July 1, 2005.

FISCAL IMPACT:

If the new ten-year OMA is approved, the City will be obligated to allocate annually an additional \$121,795 for the City owned property assessment, and new funding (presently estimated at \$85,000) will be required for Park and Recreation to maintain the Gaslamp and Children's parks (to be addressed in the FY 06 budget). The City will also be obligated to partially fund PBID contract maintenance expenses for the public park water features located within the PBID (this is funding within the existing City budget). The OMA further obligates the PBID to budget \$130,000 annually for City administrative costs related to the PBID.

Herring/Cunningham

Staff: Jeff Kavar – (619) 533-4221

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

(R-2005-827) ADOPTED AS RESOLUTION R-300208

1. In accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Island Avenue from 1st Avenue to 3rd Avenue, J Street from 1st Avenue to 4th Avenue, K Street from 3rd Avenue to 4th Avenue, and 3rd Avenue from Market Street to K Street.
2. The Downtown San Diego Partnership will manage the banners.
3. The banners shall be installed in accordance with the following:
 - a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
 - b. The total area of logos and trademarks shall be limited to five percent of the banner length.
 - c. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
 - d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
 - e. The banners have received all necessary permits to locate in the public right-of-way.

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: Award of Contract to Pioneer Americas, LLC to Furnish Sodium Hypochlorite 12.5% in Solution.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-912) ADOPTED AS RESOLUTION R-300209

Awarding the contract to the low bidder meeting specifications, Pioneer Americas, LLC, Walnut Creek, CA, accepted to furnish Sodium Hypochlorite 12.5% in solution for disinfection process and odor control, Bid No. 7317-05-T, as may be required for a period of one year beginning April 1, 2005, through March 31, 2006, for an estimated annual cost of \$1,206,437.96 (including tax), terms NET thirty days; with options to renew the contract for four additional one-year periods; with price escalations not to exceed 15% of prices in effect at the end of each prior contract year;

Declaring that the estimated Fiscal Year 2005 expenditure of an amount not to exceed \$301,609.50, from Fund No. 41506, Department No. 775, Organization No. 915, Object Account No. 3221, Job Order No. 2910, from Fund No. 41506, Department No. 775, Organization No. 935, Object Account No. 3221, Job Order No. 2930, from Fund No. 41506, Department No. 775, Organization No. 975, Object Account No. 3221, Job Order No. 2970, from Fund No. 41508, Department No. 771, Organization No. 110, Object Account No. 3221, Job Order No. 2110, from Fund No. 41508, Department No. 771, Organization No. 160, Object Account No. 3221, Job Order No. 2160, from Fund No. 41508, Department No. 771, Organization No. 262, Object Account No. 3221, Job Order No. 2262, from Fund No. 41508, Department No. 771, Organization No. 312, Object Account No. 3221, Job Order No. 2312, from Fund No. 41508, Department No. 771, Organization No. 412, Object Account No. 3221, Job Order No. 2412, from Fund No. 41508, Department No. 771, Organization No. 665, Object Account No. 3221, Job Order No. 2663, is solely and exclusively for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is requested to award a contract to Pioneer Americas, LLC, Walnut Creek, CA to furnish Sodium Hypochlorite for disinfection process and odor control at the City's Point Loma Wastewater Treatment Plant, Pump Stations 1, 2, 64, and 65, Penasquitos Pump Station Bid, Metropolitan Biosolids Center, North City Water Reclamation Plant and South Bay Water Reclamation Plant, Bid No. 7317-05-T, as may be required for a period of one (1) year beginning April 1, 2005 through March 31, 2006, for an estimated annual cost of \$1,206,437.96 (including tax), terms NET thirty days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 15% of prices in effect at the end of each prior contract year.

This contract will replace an existing contract, which has no more optional contract periods remaining. Eighteen (18) potential bidders were contacted and two (2) bids were received per the tabulation. Award is recommended the low bidder meeting specifications, Pioneer Americas, LLC, Walnut Creek, CA.

FISCAL IMPACT:

FY 2005 Estimated Cost (April 1, 2005 through June 30, 2005): \$301,609.50
Annual Estimated Cost (April 1, 2005 through March 31, 2006): \$1,206,437.96

Irvine/Rossmann

Aud. Cert. 2500781.

Staff: Walter Rossmann – (619) 236-5921

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Award of Contract to Kemiron Companies, Inc., to Furnish Ferrous Chloride.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-911) ADOPTED AS RESOLUTION R-300210

Awarding the contract to the low bidder meeting specifications, Kemiron Companies, Inc., Lawrence, Kansas, accepted to furnish Ferrous Chloride for wastewater treatment, Bid No. 7181-05-T, as may be required for a period of one year beginning March 20, 2005 through March 19, 2006, for an estimated annual cost of \$3,131,335.68 (including tax), terms NET thirty days; with options to renew the contract for four additional one-year periods; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year;

Authorizing the estimated Fiscal Year 2005 expenditure of an amount not to exceed \$735,665.28, from Fund No. 41508, Department No. 771, Organization Fund No. 412, Object Account No. 3221, Job Order No. 2412, and not to exceed \$31,048.55, from Fund No. 41508, Department No. 771, Organization No. 312, Object Account No. 3221, Job Order No. 2312, and not to exceed \$110,060.16, from Fund No. 41508, Department No. 771, Organization No. 262, Object Account No. 3221, Job Order No. 2262, solely and exclusively, for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is requested to award a contract to Kemiron Companies, Inc., Lawrence, Kansas, to furnish Ferrous Chloride for wastewater treatment, Bid No. 7181-05- T, as may be required for a period of one (1) year beginning March 20, 2005 through March 19, 2006 for an estimated annual cost of \$3,131,335.68 (including tax), terms NET thirty days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year.

Ferrous Chloride is required by the Metropolitan Wastewater Department for wastewater treatment processes, to reduce hydrogen sulfide for odor control and reduce the need for ferric chloride and more expensive chemicals at the City's Point Loma Wastewater Treatment Plant, Pump Stations 1 and 2, Metropolitan Biosolids Center and Penasquitos Pump Station per Bid No. 7181-05-T. The Metropolitan Wastewater Department has used ferrous chloride in a pilot project as a wastewater treatment performance enhancer and to control hydrogen sulfide over the last year and it has proven to be effective.

This contract will replace an existing contract. Thirty two (32) potential bidders were contacted and two (2) bids were received per the tabulation. Award is recommended to the low bidder meeting specifications, Kemiron Companies, Inc., Lawrence, KS.

FISCAL IMPACT:

FY 2005 Estimated Cost (March 20, 2005 through June 30, 2005): \$876,773.99 Annual
Estimated Cost (March 20, 2005 through March 19, 2006): \$3,131,335.68.

Irvine/Rossmann

Aud. Cert. 2500780.

Staff: Walter Rossmann – (619) 236-5921

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



* [ITEM-103:](#) Redevelopment Agency Funds for Homeless Programs.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-917) ADOPTED AS RESOLUTION R-300211

Authorizing the City Manager to accept a loan repayment of \$75,000 from the Redevelopment Agency (Centre City Development Corporation), for deposit into Fund No. 19676 (Human Care Fund); and

Authorizing the City Auditor and Comptroller to appropriate and expend \$60,000 from Fund No. 19676 (Human Care Fund) for the Winter Shelter Program and \$15,000 from Fund No. 19676 (Human Care Fund) for the Neil Good Day Center for the Homeless, contingent on the funds being received from the Redevelopment Agency (Centre City Development Corporation); and

Authorizing the City Manager to negotiate and execute agreements with non-profit organizations necessary to expand service for the Winter Shelter Program (\$60,000) and the Neil Good Day Center for the Homeless (\$15,000).

CITY MANAGER SUPPORTING INFORMATION:

On November 8, 2004 the City Council approved the FY2005 Winter Shelter Program and directed the City Manager to identify funds to expand the shelter period from the traditional 90 days to 120 days. The estimated additional cost for the 30 day expansion is \$145,000. Sixty Thousand Dollars (\$60,000) of Sales Tax repayment from the Centre City Development Corporation (CCDC) from this action is recommended for the expansion. Eighty-Thousand Dollars of Community Development Block Grant Funds (CDBG) and \$5,000 of private donation money has been previously pledged to the expansion. The total budget of \$145,000 will provide the necessary funding to achieve the 120 day program goal. In addition, \$15,000 of CCDC Sales Tax repayment will support the operation of the Neil Good Day Center for the Homeless as the City attempts to address program upgrades required by a Conditional Use Permit (CUP) extension that was granted by the Planning Commission in December 2004.

FISCAL IMPACT:

Sixty-Thousand for the Winter Shelter Program and \$15,000 for the Neil Good Day Center for the Homeless will be appropriated into Fund No. 19676, the Human Care Fund. Availability of these funds is contingent on the funds being received by Center City Development Corporation.

Frazier/Fischle-Faulk/EL

Aud. Cert. 2500785.

Staff: Ernie Linares – (619) 236-6719

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Reprogramming of District Two and District Three Community Development Block Grant Funds.

(Various Community Areas. Districts 2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-904) ADOPTED AS RESOLUTION R-300212

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$17,870 by transferring funds from FY 03 Engineering and Capital Project Management Fund, Fund 18538, Dept. 4250, Org. 5003, JO 000001, to District 2's CDBG Reserve Fund 18540, Dept. 4316, Org. 1602;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$95,975.24 by transferring funds from Bayview Terrace Elementary Joint-Use Facility Fund 18537, Dept. 4234, Org. 3406, JO 298360, to District 2's CDBG Reserve Fund 18540, Dept. 4316, Org. 1602;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$133,500 from Teralta Neighborhood Park Fund 18538, Dept. 4253, Org. 5310, and allocate these funds to the following:

1. \$20,000 to City of San Diego, Winter Shelter Fund 18540, Dept. 4298, Org. 9856;
2. \$50,000 to North Park Family Health Center Fund 18540, Dept. 4292, Org. 9244;

3. \$60,000 to SD Workforce Partnership, Metro Career Ctr., Head Start Facility Fund 18540, Dept. 4292, Org. 9245; and
4. \$3,500 to Council District 3 CDBG Reserve Fund 18540, Dept. 4316, Org. 1603.

CITY MANAGER SUPPORTING INFORMATION:

1. Council District Two wishes to reprogram prior year "unobligated" CDBG funds (\$17,870 from FY 03 Engineering and Capital Project Management and \$94,975 from Bayview Terrace Elementary Joint-Use Facility) and move these funds to District 2 CDBG Fiscal Year 2005 Reserves. These funds will be available for future CDBG eligible priorities identified by Council District 2.
2. Council District Three wishes to reprogram prior year CDBG funds from a project that has an unobligated balance to the current program year for the purpose of funding 3 additional eligible projects and moving the remaining funds into District 3 reserves. The funds (\$133,500) are reprogrammed from Teralta Neighborhood Park, CDBG Fund 18538, Dept. 4253, Org. 5310 and allocated to the following:
 - 1) City of San Diego, Winter Shelter, \$20,000
 - 2) North Park Family Health Center, \$50,000
 - 3) SD Workforce Partnership, Metro Career Ctr., Head Start Facility, \$60,000
 - 4) Council District 3 CDBG Reserves, \$3,500

FISCAL IMPACT:

Funds for this action are available in the Community Development Block Grant (CDBG) Program.

Herring/Cunningham/ELL

Aud. Cert. 2500772.

Staff: Anita Pyle – (619) 236-6944

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Amendment No. 3 to the Agreement with Tran Consulting Engineers for Professional Services to Perform Additional Condition Assessment of Sewer Mains and Televising the East Mission Gorge Force Main.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-881) ADOPTED AS RESOLUTION R-300213

Authorizing the City Manager to execute Amendment No. 3 to the Agreement with Tran Consulting Engineers for professional services to perform additional condition assessment of sewer mains and televising the East Mission Gorge force main (Amendment No. 3), under the terms and conditions set forth in the Amendment No. 3;

Authorizing the expenditure of an amount not to exceed \$329,958 from Fund 41506, Department 773, Org. No. 820, Job Order 8206, to provide funds for Amendment No. 3;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On June 14, 2004 (Resolution No. 299327), the City Council approved the agreement for consulting services with Tran Consulting Engineers, for the purpose of televising an estimated 90 miles of the sewer mains for a Not-To-Exceed amount of \$2,053,691. Pursuant to an option within the contract that allows the agreement to be extended for two (2) additional years in one (1) year increments, this request is to amend Tran Consulting Engineers' contract for an amount of \$329,958 and extend this agreement for one (1) year. No other amendments are anticipated.

The work being performed under this agreement consists of televising selected sewers, located in various parts of the City of San Diego, and to assess their existing condition. With this agreement, an additional 15 miles of City gravity sewers ranging from 6 inches to 96 inches in diameter will be televised and assessed for a total of 105 miles for the entire contract. Approximately 10 miles of these are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be accessed via existing utility paths. Where there is no existing access path, the consultant will hand-carry equipment to the inspection site.

The consultant will also prepare inspection reports to document the observed condition of pipelines and any structural defects. This report will be instrumental in evaluating the condition of sewer mains and identifying locations where rehabilitation, replacement, or cleaning of sewer facilities is required.

The additional inspection and report work will be completed within three hundred sixty five (365) days from the Notice to Proceed date. The agreement includes an option to extend the agreement for one additional period of one (1) year. This contract is a continuation of the City's program to inspect sewer pipes.

FISCAL IMPACT:

The total cost for this action is \$329,958 from fund No. 41506, Department 773, Org. No. 820, and Job Order 8206.

Mendes/Tulloch/DG

Aud. Cert. 2500742.

Staff: Dean Gipson – (858) 292-6480

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Collection of Enterprise Zone Application Fee.

(See City Manager Report No. CMR-05-045. Centre City, East Village, Logan Heights, Barrio Logan, Sherman Heights, Southeastern San Diego, Encanto, San Ysidro, Otay Mesa/Nestor, and Otay Mesa Community Areas. Districts 2, 4, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-818) ADOPTED AS RESOLUTION R-300214

Authorizing the collection of an application fee by the Enterprise Zone administrator for each application it accepts for issuance of a certificate pursuant to California Revenue and Taxation Code Section 17053.74(c) and California Revenue and Taxation Code Section 23622.7(c).

Staff: Jeff Kavar (619) 533-4221

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Task Order for MEC Analytical Systems, Inc. for Services Related to the Mission Bay Source Identification Study.

(Mission Bay Community Area. Districts 2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-913) ADOPTED AS RESOLUTION R-300215

Authorizing the City Manager to issue a task order to MEC Analytical Systems, Inc., under the as-needed wet weather monitoring services agreement, for services related to the Mission Bay Source Identification Study;

Authorizing the expenditure of an amount not to exceed \$116,983 from the State Clean Beaches Initiative Grant – Mission Bay Source Identification Study, Fund No. 38360, solely and exclusively, to provide funds for the above task order.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego entered into an As Needed Wet Weather Monitoring Services Agreement with MEC Analytical Systems, Inc. (RR-294115, November 14, 2000). The compensation limit in the agreement was set at an amount not to exceed \$1,000,000 per year.

On November 19, 2001, the Council authorized the City Manager to obtain funds from the State Water Resources Control Board Clean Beaches, Proposition 13, Coastal Nonpoint Source Program for the Mission Bay Bacteria Source Identification project. Subsequently, the City entered into an Agreement with the State of California in the amount of \$1,300,000 and two limited staff positions were hired. During execution of the project, the Storm Water Pollution Prevention Division was unable to fill the staff vacancies that occurred in order to complete the water quality activities. The State Water Resources Control Board approved an amendment to the Agreement acknowledging that the grant-required work would be conducted by the City's consultant in lieu of City staff. MEC will complete the grant-required water quality activities that had been designated for completion by City staff.

FISCAL IMPACT:

Funds are available from the State Clean Beaches Initiative grant Mission Bay Source Identification Study (Fund 38360).

Mendes/Tulloch/TM

Aud. Cert. 2500666.

Staff: Tracy Mangum – (619) 525-8567

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Construction of Electronic Speed Limit Signs in Scripps Miramar Ranch.

(Scripps Miramar Ranch Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-902) ADOPTED AS RESOLUTION R-300216

Amending the Fiscal Year 2005 Scripps Miramar Ranch Public Facilities Financing Plan by adding Project 34-73;

Authorizing an increase in the amount of \$75,000 in Fiscal Year 2005 Capital Improvements Program Budget in CIP-61-001.0 Traffic Control and Calming Measures;

Authorizing the City Auditor and Comptroller to appropriate and expend \$75,000 from CIP-61-001.0, Traffic Control and Calming Measures, from Fund 79007, Scripps Miramar Ranch FBA, for the purpose of constructing six electronic speed limit signs in Scripps Miramar Ranch;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install six electronic speed limit signs in the Scripps Miramar Ranch community. These signs are traffic calming devices that may be installed on streets where speeding vehicles are a major concern. These signs are effective in reminding motorists that they are speeding and may encourage them to slow down. These signs have a built-in radar system that detects the speed of approaching vehicles and allows it to display that speed or use that

information to display a predetermined message. The signs are programmable so that more than one message may be displayed, such as "YOUR SPEED XX," "SLOW DOWN," or "SPEED LIMIT XX," depending on the vehicles approaching speed. Electronic speed limit signs are proposed at the following six locations:

- Scripps Trail Drive at Rue des Amis facing southbound traffic.
- Cypress Canyon Park Drive near Cypress Canyon Community Park facing northbound traffic.
- Ironwood Road east of Tudor Street facing eastbound traffic.
- Semillon Boulevard south of Clearwood Court facing southbound traffic.
- Aviary Drive at Aviary Court facing southbound traffic.
- Angelique Street south of Scripps Poway Parkway.

All of the above locations have been evaluated and recommended for installation by City staff based on the affected street's speeding history, traffic volumes, and current speed data. In addition, these locations have been reviewed and agreed to by the Scripps Ranch Community Planning Group.

The estimated total cost of this project is \$75,000.

FISCAL IMPACT:

Funds in the amount of 75,000 will be added to CIP-61-001.0 for the Scripps Miramar Ranch FBA Fund 79007.

Mendes/Boekamp/DVW

Aud. Cert. 2500776.

Staff: Duncan Hughes – (619) 533-3757

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-109: Water Meter Box Replacement Projects Minor Construction Program.

(See memorandum from Frank Belock dated 2/2/2005. Various Community Areas. Districts 1-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-893) ADOPTED AS RESOLUTION R-300217

Authorizing the City Manager or his duly designated representative to award eight contracts for the replacement of damaged water meter boxes throughout the City (Contracts) through the Minor Construction Program for a total of \$1,150,000;

Authorizing the expenditure of \$1,600,000 from Water Fund 41500, Org 5372, Water Meter Box Replacements, Water Department Operations Division, solely and exclusively for the purpose of providing funds for the Contracts and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering Department, to transfer any excess budgeted funds to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/9/2005, NR&C voted 3 to 0 to approve the item with direction for staff to provide a list of the meter box locations. (Councilmembers Atkins, Maienschein, and Frye voted yea. Councilmembers Young and Madaffer not present.)

SUPPORTING INFORMATION:

Citywide, there are approximately 3,600 broken and/or damaged concrete water meter boxes that are part of the City's water system. The City's Risk Management Department has received claims as a result of damaged meter boxes and the meter boxes must be replaced in order to reduce any further liability to the City. In order to expedite the replacement of the damaged concrete boxes, the Water Department intends to utilize the City's Minor Construction Program and its competitive bid process.

The Minor Construction Program is being used as this type of work lends itself to small and emerging contractors and will provide them work while the City's CIP program has been temporarily reduced. These contractors will be used to eliminate the backlog and then the routine replacement will be resumed by City employees.

Replacement of the meter boxes will be divided into eight (8) individual projects/construction contract groups, at an estimated cost of less than \$150,000 for each construction contract group. The total cost of the eight (8) project groups including all related costs is \$1,600,000.

FISCAL IMPACT:

An amount not to exceed \$1,600,000 from Water Fund 41500, Org 5372, Water Meter Box Replacements, Water Department Operations Division, is available for the purposes of providing funds for contracts and related costs.

Mendes/Belock/ADD

Aud. Cert. 2500714.

Staff: Mark Stone – (619) 527-7431

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:56 p.m. – 4:58 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-110: Expend Bicycle Transportation Act (BTA) Funding for Three Bicycle Lane/Route Projects.

(Great North Park, Mid-City, and Southeastern San Diego Community Areas. Districts 3, 4, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-901) ADOPTED AS RESOLUTION R-300218

Authorizing the City Manager to accept, appropriate, expend and take all necessary actions to secure a total of \$226,500 in Bicycle Transportation Act (BTA) grants from the State of California, Department of Transportation, for the purpose of installing bike lanes/routes for three bicycle projects;

Authorizing the City Auditor and Comptroller to establish the following special interest bearing grant funds for Bicycle Transportation Act (BTA) grants from the State of California, Department of Transportation: Fund 38370, Island Avenue/Market Street Bikeway Grant; Fund 38371, 35th Street Bike Project Grant; and Fund 38372, Utah Street Bike Lane Project Grant;

Authorizing the addition of the following projects to the Fiscal Year 2005 Capital Improvements Program:

- CIP-58-185.0, Island Avenue/Market Street Bikeway from Interstate 5 to 28th Street
- CIP-58-186.0, 35th Street Bikeway from Adams Avenue to Wightman Street
- CIP-58-187.0, Utah Street Bike Lane from Upas Street to Collier Street;

Authorizing the transfer of \$26,000 from Fund 10440, Street Division Operating Fund, to Fund 104402, Street Division Capital Improvements Fund, for the purpose of providing the City's matching funds for the BTA grants;

Authorizing an increase in the amount of \$252,500 in the Fiscal Year 2005 Capital Improvements Program Budget as follows: \$103,000 in Fund 38370; \$45,000 in Fund 38373, \$78,500 in Fund 38372 and \$26,000 in Fund 104402;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$115,000, CIP-58-185.0, Island Avenue/Market Street Bikeway, of which \$103,000 is from Fund 38370 and \$12,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on Island Avenue from Interstate 5 to 28th Street, contingent upon the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000, CIP-58-186.0, 35th Street Bike Project, of which \$45,000 is from Fund 38371 and \$5,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on 35th Street from Adams Avenue to Wightman Street, contingent upon the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$86,500 from CIP-58-187.0, Utah Street Bike Lane Project, of which \$78,500 is from Fund 38372 and \$9,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on Utah Street from Upas Street to Collier Avenue, contingent upon receipt of a fully executed grant agreement;

Noting that the authorization to approve the appropriation and expenditure of these funds does not constitute a decision to proceed with construction of the projects as proposed and further does not foreclose the analysis that would ordinarily be a part of environmental or permit review;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has applied for and received approval from the State of California, Department of Transportation, for a Bicycle Transportation Account (BTA) Grant for three bicycle projects to install bicycle lanes/routes in the amount of \$226,500. The City is required to provide 10% minimum matching funds of the total cost of the projects and will provide \$26,000 from the General Services Department/Street Division Capital Improvement Fund, Fund 104402.

The three bicycle projects are described as follows:

1. Install Class II bike lanes on Island Avenue between Interstate 5 and 28th Street, Market Street between 32nd Street and 40th Street, and Market Street between Toyne Street and Interstate 805. Install Class III bike routes on Island Avenue between 28th Street and 32nd Street and on Market Street between Interstate 805 and Euclid Avenue.
2. Install Class II bike lanes along 35th Street between Adams Avenue and Polk Avenue and between University Avenue and Wightman Street. Install Class III bike route on 35th Street between Polk Avenue and University Avenue.
3. Install Class II bike lanes on Utah Street between Collier Avenue and Upas Street.

FISCAL IMPACT:

The City of San Diego will receive a maximum total of \$226,500 from State of California, Department of Transportation, for Bikeway Projects. Approximately \$26,000 will be spent from the City of San Diego, General Services Department, Street Division Capital Improvement Fund, Fund 104402.

Mendes/Boekamp/DZ

Aud. Cert. 2500758.

Staff: Larry Van Wey – (619) 533-3005

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:08 p.m. – 4:08 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Fourth Amendment to Agreement with Motorola, Inc., to Extend the Existing Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-853) ADOPTED AS RESOLUTION R-300219

Authorizing the City Manager to execute a Fourth Amendment to the Agreement with Motorola, Inc., to extend the existing Agreement, as modified by prior amendments, through September 23, 2010, under the terms and conditions set forth in the Fourth Amendment.

CITY MANAGER SUPPORTING INFORMATION:

This Fourth Amendment is to extend the agreement by and between the City of San Diego and Motorola, Incorporated for an additional five-year period, ending on September 23, 2010.

On September 23, 1990, the City of San Diego entered into a 15-year agreement with Motorola, Inc. (RR-276605) to provide equipment and services for the 800 MHz Trunked Radio System. The original agreement was amended on April 6, 1992 (RR-279730) and on April 17, 1995 (RR-285604) for system expansions. The original agreement was also amended on October 2, 1995, to exercise the City's right to extend the agreement.

The City's 800 MHz Trunked Radio System is a proprietary system and Motorola, Inc. is the manufacturer and sole supplier of equipment and services related to this system. This Fourth Amendment will allow the City to be able to continue to purchase required equipment and services until such time that a new radio system may be procured.

Arellano

Staff: Mike O'Brien – (619) 525-8692

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: First Amendment to Consultant Agreement with Dokken Engineering for State Route 163 and Friars Road Project.

(Mission Valley Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-910) ADOPTED AS RESOLUTION R-300220

Authorizing the City Manager to execute a First Amendment to the Agreement with Dokken Engineering, for professional engineering services for the State Route 163 and Friars Road Project, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$400,000 from CIP-52-455.0, State Route 163 and Friars Road, Fund 38981, Regional Surface Transportation Program Funding, for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project would provide improvements to the State Route 163/Friars Road interchange and Friars Road in order to accommodate traffic within the interchange area due to new development in Mission Valley and in accordance with the Community Plan. The design of the project would be done in two phases. Phase I consists of the preparation of a Caltrans Project Report and Environmental Clearance, which includes mapping, development and analysis of preliminary design alternatives, preparation of environmental documents and geotechnical reports, value engineering analysis and project estimates. Phase II would include the preparation of construction documents (plans, specifications and estimates) and construction design support of the recommended alternative.

On June 3, 2003, per RR-298019, the City Council approved a consultant agreement with Dokken Engineering for providing a Project Report and Environmental Clearance for the State Route 163 and Friars Road to proceed with Phase I of the project.

This First Amendment to the Agreement is for additional work associated with the improvements to the State Route 163/Friars Road interchange and Friars Road Project that was not included in the Original Agreement. Changes in the scope of work are due to increasing the limits of the project in order to resolve traffic and engineering design issues such as accommodating minimum Level of Service, existing weaving inadequacies, and the need for auxiliary lanes. The original limits were: 0.5 miles north of Friars Road, the MTDB trolley line to the south, and Frazee Road to the east; these limits have been revised to: Genesee Avenue to the north, Interstate 8 to the south, and Mission Center Road to the east. These changes have resulted in the need for additional engineering and environmental studies.

FISCAL IMPACT:

Funding necessary for this action in the amount of \$400,000 is available from CIP-52-455.0, State Route 163 and Friars Road, Fund 38981, Regional Surface Transportation Program Funding.

Mendes/Boekamp/DZ

Aud. Cert. 2500779.

Staff: Mark Koll – (619) 533-3669

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Agreement with BRG Consulting, Inc., for Professional Services to Extend the Life of the Miramar Landfill.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-946) ADOPTED AS RESOLUTION R-300221

Authorizing the City Manager to execute an agreement with BRG Consulting, Inc., to provide environmental and engineering services relating to extension of the useful life of Miramar Landfill, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$280,000 from Refuse Disposal Fund No. 30244, solely and exclusively, to provide funds for the above agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City's Miramar Landfill is currently scheduled to close in 2012. The City is investigating options to extend the life of this facility. This contract is for services that include two categories: engineering and environmental review. Consultants will assist the City in evaluating and applying for permits for a vertical expansion, and in evaluating possible alternative technologies, such as bioreactor technologies. In a bioreactor landfill, the decomposition process is accelerated by the addition of liquids, thereby creating additional landfill space. The resulting analyses and deliverables will be focused on extending the life of the Miramar Landfill.

Four consulting firms were interviewed and this partnership of BRG and Shaw Environmental was selected as having the best background and expertise to address these issues.

FISCAL IMPACT:

This action is for authority to expend up to \$280,000 for consultant services. All funds to be expended are from the Refuse Disposal Fund.

Mendes/Heap/LFW

Aud. Cert. 2500789.

Staff: Lisa Wood – (858) 573-1236

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Sewer Easement Abandonment – Sewer Group Job 697.

(Barrio Logan Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-907) ADOPTED AS RESOLUTION R-300222

Authorizing the City Manager, or his designee, to execute a Quitclaim Deed, conveying to the San Diego Unified School District all of the City's right, title, and interest in the sewer easement executed on January 18, 1982, along and across the alley in Block 93, adjacent to Lots 1 through 4 and Lots 45 through 48, Mannassee and Schiller's Addition, Map 209, vacated as shown on Drawing No. 15489-B, on file in the Office of the City Clerk as Document No. RR-25502, as shown and legally described in Exhibit A to the Quitclaim Deed, for the purpose of vacating and abandoning the easement no longer required by the City due to the transfer of the existing sewer main to the San Diego Unified School District.

CITY MANAGER SUPPORTING INFORMATION:

The City's Sewer Group Job ("GJ") 697 project included rehabilitation of the existing sewer main along with installation of a portion of new sewer main in the public right-of-way, adjacent to San Diego Unified School District ("District") property, in the vicinity detailed on the attached plat.

The repairs to the existing sewer main have been completed. Notice of completion was filed August 7, 2003, and the City has transferred ownership to the District of that portion of the sewer main which lies within District property, and which solely serves District property. Therefore, the easement rights associated with this portion of sewer main are to be abandoned and quitclaimed to the District by the City. Because these easement rights were obtained at no cost to the City through the Subdivision process, no payment is due from the District for the abandoned easement rights.

This action authorizes the City Manager to execute a quitclaim Deed conveying the all of the City's interest in the unneeded sewer easement to the San Diego Unified School District.

FISCAL IMPACT:

None.

Herring/Griffith/DY

Staff: Steve Geitz – (619) 236-6311

FILE LOCATION: DEED F-9890

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Ann Elizabeth Bernstein Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-905) ADOPTED AS RESOLUTION R-300223

Recognizing the community service of Anne Elizabeth Bernstein, and commending her for her years of commitment and dedication to the young adults of San Diego and Urban Corps;

Proclaiming February 25, 2005, to be “Ann Elizabeth Bernstein Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



* [ITEM-116:](#) Appointments to the Human Relations Commission.

(See memorandums from Mayor Murphy dated 3/4/2005 and Councilmember Peters dated 2/4/2005, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-934) ADOPTED AS RESOLUTION R-300224

Council confirmation of the appointments by the Mayor of the City of San Diego, to serve as members of the Human Relations Commission, for terms ending as indicated:

APPOINTMENT

TERM ENDING

Joyce Singer Abrams – District 1 Representative
(Replacing Gitfon Cheung, who resigned)

July 22, 2005

Julia A. Legaspi – City at Large (Scripps Ranch, District 5)
(Replacing Kaneko Oshima Bishop, who resigned)

July 22, 2006

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-803) ADOPTED AS RESOLUTION R-300225

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-830) ADOPTED AS RESOLUTION R-300226

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-834) ADOPTED AS RESOLUTION R-300227

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-not present, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-590) ADOPTED AS RESOLUTION R-300228

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-200: Appointments to the San Diego City Employees' Retirement System Board of Administration.

(See memorandums from Mayor Murphy dated 2/25/2005, 3/3/2005, and 3/9/2005 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-899 Cor. Copy 2) ADOPTED AS RESOLUTION R-300229

Council confirmation of the following appointees by the Mayor, to serve as members of the newly composed San Diego City Employees' Retirement System Board of Administration, for terms indicated:

APPOINTEE

TERM ENDING

Theodore D. Roth	March 31, 2007
Susan H. Snow	March 31, 2007
Peter Preovolos	March 31, 2007
Thomas E. King (Council District 5)	March 31, 2009
Thomas A. Page	March 31, 2009
William J. Sheffler	March 31, 2009
Robert H. Wallace (Council District 2)	March 31, 2009

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Theodore D. Roth, Susan H. Snow, Peter Preovolos, Thomas A. Page, and William J. Sheffler, are residents of San Diego County, but not the City of San Diego, and each have unique qualifications to serve as members of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 3:54 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Settlement of Property Damage Claim to Helen Engelhorn, et al.
(R-2005-895)

Adopted as Resolution R-300183 on February 28, 2005.

A Resolution approved by the City Council in Closed Session on Monday, February 28, 2005, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$43,446.28 in complete settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Helen Engelhorn, et al. on June 29, 2004;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$43,446.28 made payable to Luth and Turley, Inc.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of a litigated claim, which arises from a sewer backup incident on June 29, 2004.

Lexin/Lopez/JE

Aud. Cert. 2500769.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: **Notice** of Settlement of Property Damage Claim of Patricia Mesa and Joe Addonizio.

(R-2005-896)

Adopted as Resolution R-300184 on February 28, 2005.

A Resolution approved by the City Council in Closed Session on Monday, February 28, 2005, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the additional sum of \$133,901.85 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Patricia Mesa and Joe Addonizio;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$133,901.85 made payable to Luth and Turley, Inc.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Property Damage Claim to Patricia Mesa and Joe Addonizio against the City of San Diego, its agents and employees, as a result of an incident which occurred on September 12, 2002.

Lexin/Lopez/JC

Aud. Cert. 2500767.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

* ITEM-S400: Exemption of a Council Representative I Position from the Classified Service for Council District Six.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-109) INTRODUCED, TO BE ADOPTED ON MONDAY,
APRIL 4, 2005

Introduction of an Ordinance exempting the position of Council Representative I from the Classified Service for Council District Six.

SUPPORTING INFORMATION:

On February 3, 2005, the Civil Service Commission reviewed a request of Councilmember Donna Frye, District 6, to exempt a Council Representative I position from the Classified Service. This additional position is needed to provide quality service to the constituents of District 6.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulation and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

Upon review of the duties and responsibilities of this position, the Commission finds that it meets the intent of the Charter Section 117.

FISCAL IMPACT:

There is no fiscal impact. The Council Representative I Position is being absorbed by the current 2004-2005 Council District Six budget with no increase in its budget.

Ewell/Hadley

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Principal Joan Stewart Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-929) ADOPTED AS RESOLUTION R-300230

Declaring March 4, 2005, to be “Principal Joan Stewart Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: David Potter Day.

COUNCILMEMBER FRYE’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-928) ADOPTED AS RESOLUTION R-300231

Commending Dave for his dedication, honesty, integrity, and commitment to the residents of San Diego;

Proclaiming March 15, 2005, to be “David Potter Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S403: Excusing Councilmember Frye from the City Council Meeting of March 14, 2005.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-942) ADOPTED AS RESOLUTION R-300232

Excusing Councilmember Donna Frye from attending the regularly scheduled March 14, 2005, City Council meeting, due to her attendance at an event in Sacramento on the same date.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-S404: Request for Proposal Related to a Site for the California Institute for Regenerative Medicine (CIRM).

(See City Manager Report No. CMR-05-067.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-948) ADOPTED AS RESOLUTION R-300233

Authorizing the City Manager, or his designee, to submit a proposal in conjunction with private sector businesses in response to the Request for Proposal (RFP) issued by the State of California, Department of General Services on February 28, 2005;

Authorizing the City Manager, or his designee, to ensure by means of proper diligence that all information and certifications within the proposal are accurate and to execute a letter accompanying the proposal that certifies such information.

Staff: Jeff Kavar – (619) 533-4221

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:46 p.m. – 4:54 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S405: Conflict of Interest Code for Family Justice Center.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-897) ADOPTED AS RESOLUTION R-300234

Adopting a Conflict of Interest Code for the new Family Justice Center Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of the new Family Justice Center Department’s Conflict of Interest Code as adopted be placed on file with the Office of the City Clerk;

Declaring that the persons whose positions are designated in the new Family Justice Center Department’s Conflict of Interest Code shall file their statements of economic interest with the City Clerk;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the new Family Justice Center Department becomes effective upon the date of adoption of this resolution.

CITY MANAGER SUPPORTING INFORMATION:

On November 29, 2004, the Mayor and Council adopted Ordinance Number O-19339, creating a new City department to continue with the management, operations, and future development of the San Diego Family Justice Center. Chapter 2, Article 2, of the San Diego Municipal Code was amended by adding a new Division, and new Sections 22.2201, 22.2202, and 22.2203.

Section 22.2202 allows the appointment of the Director of the Family Justice Center Department by the City Manager. In Manager's Report No. 04-261, the recommendations were to approve three additional positions. Added to the Family Justice Center were a Director of Client Services, a Grants Analyst, and a secretary. The Family Justice Center positions to be included in the Conflict of Interest Code are: the Director, Grants Analyst, and Director of Client Services.

FISCAL IMPACT:

None.

Ewell/Strack

Staff: Gael B. Strack – (619) 533-6010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:12 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-S406: Sports Arena Naming Rights Agreement.

(Midway/Pacific Highway Corridor Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-925) ADOPTED AS RESOLUTION R-300235

Approving renaming the San Diego Sports Arena to "ipayOne Center";

Approving the identification signage as set forth in Section 4.2 of the Naming Rights Agreement between Arena Group 2000, L.P., and I Pay One, Inc.;

Approving the form of the Naming Rights Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Arena Group 2000, L.P. ("AG 2000") is the operator of the San Diego Sports Arena ("Sports Arena"), under an Operating Sublease Agreement ("Operating Sublease"). Pursuant to Resolution No. 296247 dated April 2, 2002, the Mayor and Council authorized the City Manager to execute a fourth amendment to the Operating Sublease with AG 2000 which allows AG 2000 to enter into a naming rights agreement for the Sports Arena provided the following requirements are met:

- The identity of the naming rights entity and the identification signage shall be subject to prior written consent of the City, pursuant to City Council resolution.
- The form of the naming rights agreement shall be subject to the reasonable approval of the City.
- Consideration to the City will be 10% of the gross revenue derived from the naming rights agreement.
- The naming rights entity must not be in violation of Charter Section 225 or Council Policy 000-04.

Accordingly, AG 2000 has submitted the Naming Rights Agreement ("Agreement") entered into with I Pay One, Inc ("IPI"). IPI is a discount real estate brokerage firm, headquartered in Carlsbad. The following is an outline of the terms of the Agreement:

- Minimum term five years, maximum term to coincide with the expiration of the Operating Sublease (May 7, 2017).
- The Sports Arena will be known as the "ipayOne Center".
- The name and associated logo will be featured throughout the arena and on signage located in the arena parking lot, (The location of signage is specified in Section 4.2 of the Agreement. The ipayOne logo is also attached).
- IP1 will pay AG 2000 \$200,000 in the first year of the Agreement; \$500,000 in the second year; \$600,000 in the third, fourth and fifth years; and \$500,000 every year thereafter.

FISCAL IMPACT:

The City will receive \$20,000 in the first year of the Agreement (FY05); \$50,000 in the second year; \$60,000 in the third, fourth and fifth years; and \$50,000 every year thereafter.

Herring/Griffith/GJ

Staff: Gary Jones - (619) 236-6264

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:08 p.m. – 4:46 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.



[ITEM-S407:](#) Retention of Outside Counsel in the Matter Related to De Anza Harbor and Resort.

(Mission Bay Community Area. District 6.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-950) TRAILED TO TUESDAY, MARCH 15, 2005

Authorizing and directing the City Attorney to execute the fee agreement with Duckor Spradling & Metzger (the Firm), for an additional amount not to exceed \$300,000, for additional services from the Firm now needed by the City in connection with the De Anza matter.

SUPPORTING INFORMATION:

On September 12, 2003, the City retained attorney Anna F. Roppo of Higgs, Fletcher & Mack for legal services in connection with the transition of De Anza Harbor Resort from a privately operated mobile home to City-operated park and recreation use, including defense of De Anza Homeowners Association, Inc. (De Anza HOA case) v. City of San Diego, San Diego Superior Court Case No. GIC 821191. The City spent \$200,709.89 of \$250,000 authorized for legal services under this original contract. Ms. Roppo joined the law firm of Duckor Spradling & Metzger (now, Duckor Spradling Metzger & Wynne) effective April 26, 2004. On September 7, 2004, the City Council authorized continued legal services from that firm in an amount not to exceed \$300,000.

In addition to the defense of the City and prosecution of the City's Counterclaim in the De Anza HOA case, the services provided by Duckor Spradling Metzger & Wynne include the processing and filing of unlawful detainer actions against residents delinquent in rent, processing and filing abandonment proceedings for abandoned mobile homes, coordinating settlement agreements with residents (resulting in 181 signed settlement agreements), addressing residents', opposing counsel's, and the court's concerns regarding the infrastructure issues (sewer, gas, and water lines and trees), and coordinating with the City Attorney's Office on the action filed by the City against the prior lessee, De Anza Harbor Resort & Golf. Approximately 51% of the total spent to date for legal expenses has been for the defense of the De Anza HOA case and approximately 49% has been spent on the other issues related to property management support. To date, all expenses have been funded out of the Public Liability Fund. The recommended split in costs between the public liability fund and the De Anza Operating Fund reflects the allocation outside counsel's time in the past. Moving forward, staff recommends that the funding source for the defense of De Anza HOA case continue to be the Public Liability Fund, but that the expenses related to property management support be billed separately and funded out of the De Anza Operating Fund. This action seeks an additional amount not to exceed \$300,000 for continued representation of the City by Duckor Spradling Metzger & Wynne, bringing the total amount of funds authorized for this contract to \$800,709.89.

Aguirre/Ewell

Aud. Cert. 2500814.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:56 p.m. – 4:56 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:00 p.m. in honor of the memory of:

Mike Amador, Jr. as requested by Council Member Inzunza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:59 p.m. – 5:00 p.m.)